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HOUSE BILL 2921

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State of Washington

64th Legislature

2016 Regular Session

By Representatives Hickel, Stambaugh, Zeiger, Caldier, Kochmar, Haler, Magendanz, and Pollet

Read first time 01/27/16. Referred to Committee on Education.

1 AN ACT Relating to expanding the professional educator workforce  
2 by increasing career opportunities in education, creating a more  
3 robust enrollment forecasting, and enhancing recruitment efforts;  
4 amending RCW 41.32.765, 41.32.875, 43.88C.010, 28A.660.050, and  
5 28A.410.250; creating new sections; making an appropriation; and  
6 providing an expiration date.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 NEW SECTION. **Sec. 1.** The legislature acknowledges that the  
9 state is facing an unprecedented shortage of teachers and substitute  
10 teachers. According to a study by the professional educator standards  
11 board, nearly half of all new teachers leave the workforce within the  
12 first five years of teaching. The legislature recognizes that  
13 strengthening the educator workforce is essential to successfully  
14 implement ongoing educational reforms and increase student  
15 achievement. In order to accomplish this, the legislature finds an  
16 immediate need for allowing retired teachers to reenter the workforce  
17 without penalty of pension benefits, adequate student enrollment  
18 forecasting, additional funding for the alternative routes and  
19 educator retooling programs, and enhancements to recruitment.

1 **RETURNING TEACHERS**

2 **Sec. 101.** RCW 41.32.765 and 2012 1st sp.s. c 7 s 1 are each  
3 amended to read as follows:

4 (1) NORMAL RETIREMENT. Any member with at least five service  
5 credit years of service who has attained at least age sixty-five  
6 shall be eligible to retire and to receive a retirement allowance  
7 computed according to the provisions of RCW 41.32.760.

8 (2) EARLY RETIREMENT. Any member who has completed at least  
9 twenty service credit years of service who has attained at least age  
10 fifty-five shall be eligible to retire and to receive a retirement  
11 allowance computed according to the provisions of RCW 41.32.760,  
12 except that a member retiring pursuant to this subsection shall have  
13 the retirement allowance actuarially reduced to reflect the  
14 difference in the number of years between age at retirement and the  
15 attainment of age sixty-five.

16 (3) ALTERNATE EARLY RETIREMENT.

17 (a) Any member who has completed at least thirty service credit  
18 years and has attained age fifty-five shall be eligible to retire and  
19 to receive a retirement allowance computed according to the  
20 provisions of RCW 41.32.760, except that a member retiring pursuant  
21 to this subsection shall have the retirement allowance reduced by  
22 three percent per year to reflect the difference in the number of  
23 years between age at retirement and the attainment of age sixty-five.

24 (b) On or after September 1, 2008, any member who has completed  
25 at least thirty service credit years and has attained age fifty-five  
26 shall be eligible to retire and to receive a retirement allowance  
27 computed according to the provisions of RCW 41.32.760, except that a  
28 member retiring pursuant to this subsection shall have the retirement  
29 allowance reduced as follows:

30	Retirement	Percent
31	Age	Reduction
32	55	20%
33	56	17%
34	57	14%
35	58	11%
36	59	8%
37	60	5%

1	61	2%
2	62	0%
3	63	0%
4	64	0%

5 Any member who retires under the provisions of this subsection is  
6 ineligible for the postretirement employment provisions of RCW  
7 41.32.802(2) until the retired member has reached sixty-five years of  
8 age. For purposes of this subsection, employment with an employer  
9 also includes any personal service contract, service by an employer  
10 as a temporary or project employee, or any other similar compensated  
11 relationship with any employer included under the provisions of RCW  
12 41.32.800(1). Beginning July 1, 2016, and until June 30, 2018,  
13 employment with an employer for the purposes of this subsection shall  
14 not include employment as a substitute teacher as defined in RCW  
15 41.32.010.

16 The subsidized reductions for alternate early retirement in this  
17 subsection as set forth in section 2, chapter 491, Laws of 2007 were  
18 intended by the legislature as replacement benefits for gain-sharing.  
19 Until there is legal certainty with respect to the repeal of chapter  
20 41.31A RCW, the right to retire under this subsection is  
21 noncontractual, and the legislature reserves the right to amend or  
22 repeal this subsection. Legal certainty includes, but is not limited  
23 to, the expiration of any: Applicable limitations on actions; and  
24 periods of time for seeking appellate review, up to and including  
25 reconsideration by the Washington supreme court and the supreme court  
26 of the United States. Until that time, eligible members may still  
27 retire under this subsection, and upon receipt of the first  
28 installment of a retirement allowance computed under this subsection,  
29 the resulting benefit becomes contractual for the recipient. If the  
30 repeal of chapter 41.31A RCW is held to be invalid in a final  
31 determination of a court of law, and the court orders reinstatement  
32 of gain-sharing or other alternate benefits as a remedy, then  
33 retirement benefits for any member who has completed at least thirty  
34 service credit years and has attained age fifty-five but has not yet  
35 received the first installment of a retirement allowance under this  
36 subsection shall be computed using the reductions in (a) of this  
37 subsection.

1 (c) Members who first become employed by an employer in an  
2 eligible position on or after May 1, 2013, are not eligible for the  
3 alternate early retirement provisions of (a) or (b) of this  
4 subsection. Any member who first becomes employed by an employer in  
5 an eligible position on or after May 1, 2013, and has completed at  
6 least thirty service credit years and has attained age fifty-five  
7 shall be eligible to retire and to receive a retirement allowance  
8 computed according to the provisions of RCW 41.32.760, except that a  
9 member retiring pursuant to this subsection shall have the retirement  
10 allowance reduced by five percent per year to reflect the difference  
11 in the number of years between age at retirement and the attainment  
12 of age sixty-five.

13 **Sec. 102.** RCW 41.32.875 and 2012 1st sp.s. c 7 s 2 are each  
14 amended to read as follows:

15 (1) NORMAL RETIREMENT. Any member who is at least age sixty-five  
16 and who has:

17 (a) Completed ten service credit years; or

18 (b) Completed five service credit years, including twelve service  
19 credit months after attaining age forty-four; or

20 (c) Completed five service credit years by July 1, 1996, under  
21 plan 2 and who transferred to plan 3 under RCW 41.32.817;  
22 shall be eligible to retire and to receive a retirement allowance  
23 computed according to the provisions of RCW 41.32.840.

24 (2) EARLY RETIREMENT. Any member who has attained at least age  
25 fifty-five and has completed at least ten years of service shall be  
26 eligible to retire and to receive a retirement allowance computed  
27 according to the provisions of RCW 41.32.840, except that a member  
28 retiring pursuant to this subsection shall have the retirement  
29 allowance actuarially reduced to reflect the difference in the number  
30 of years between age at retirement and the attainment of age sixty-  
31 five.

32 (3) ALTERNATE EARLY RETIREMENT.

33 (a) Any member who has completed at least thirty service credit  
34 years and has attained age fifty-five shall be eligible to retire and  
35 to receive a retirement allowance computed according to the  
36 provisions of RCW 41.32.840, except that a member retiring pursuant  
37 to this subsection shall have the retirement allowance reduced by  
38 three percent per year to reflect the difference in the number of  
39 years between age at retirement and the attainment of age sixty-five.

1 (b) On or after September 1, 2008, any member who has completed  
2 at least thirty service credit years and has attained age fifty-five  
3 shall be eligible to retire and to receive a retirement allowance  
4 computed according to the provisions of RCW 41.32.840, except that a  
5 member retiring pursuant to this subsection shall have the retirement  
6 allowance reduced as follows:

7	Retirement	Percent
8	Age	Reduction
9	55	20%
10	56	17%
11	57	14%
12	58	11%
13	59	8%
14	60	5%
15	61	2%
16	62	0%
17	63	0%
18	64	0%

19 Any member who retires under the provisions of this subsection is  
20 ineligible for the postretirement employment provisions of RCW  
21 41.32.862(2) until the retired member has reached sixty-five years of  
22 age. For purposes of this subsection, employment with an employer  
23 also includes any personal service contract, service by an employer  
24 as a temporary or project employee, or any other similar compensated  
25 relationship with any employer included under the provisions of RCW  
26 41.32.860(1). Beginning July 1, 2016, and until June 30, 2018,  
27 employment with an employer for the purposes of this subsection shall  
28 not include employment as a substitute teacher as defined in RCW  
29 41.32.010.

30 The subsidized reductions for alternate early retirement in this  
31 subsection as set forth in section 4, chapter 491, Laws of 2007 were  
32 intended by the legislature as replacement benefits for gain-sharing.  
33 Until there is legal certainty with respect to the repeal of chapter  
34 41.31A RCW, the right to retire under this subsection is  
35 noncontractual, and the legislature reserves the right to amend or  
36 repeal this subsection. Legal certainty includes, but is not limited

1 to, the expiration of any: Applicable limitations on actions; and  
2 periods of time for seeking appellate review, up to and including  
3 reconsideration by the Washington supreme court and the supreme court  
4 of the United States. Until that time, eligible members may still  
5 retire under this subsection, and upon receipt of the first  
6 installment of a retirement allowance computed under this subsection,  
7 the resulting benefit becomes contractual for the recipient. If the  
8 repeal of chapter 41.31A RCW is held to be invalid in a final  
9 determination of a court of law, and the court orders reinstatement  
10 of gain-sharing or other alternate benefits as a remedy, then  
11 retirement benefits for any member who has completed at least thirty  
12 service credit years and has attained age fifty-five but has not yet  
13 received the first installment of a retirement allowance under this  
14 subsection shall be computed using the reductions in (a) of this  
15 subsection.

16 (c) Members who first become employed by an employer in an  
17 eligible position on or after May 1, 2013, are not eligible for the  
18 alternate early retirement provisions of (a) or (b) of this  
19 subsection. Any member who first becomes employed by an employer in  
20 an eligible position on or after May 1, 2013, and has completed at  
21 least thirty service credit years and has attained age fifty-five  
22 shall be eligible to retire and to receive a retirement allowance  
23 computed according to the provisions of RCW 41.32.840, except that a  
24 member retiring pursuant to this subsection shall have the retirement  
25 allowance reduced by five percent per year to reflect the difference  
26 in the number of years between age at retirement and the attainment  
27 of age sixty-five.

28

## PART II

29

### STUDENT ENROLLMENT FORECASTING

30 **Sec. 201.** RCW 43.88C.010 and 2015 c 128 s 2 are each amended to  
31 read as follows:

32 (1) The caseload forecast council is hereby created. The council  
33 shall consist of two individuals appointed by the governor and four  
34 individuals, one of whom is appointed by the chairperson of each of  
35 the two largest political caucuses in the senate and house of  
36 representatives. The chair of the council shall be selected from  
37 among the four caucus appointees. The council may select such other  
38 officers as the members deem necessary.

1 (2) The council shall employ a caseload forecast supervisor to  
2 supervise the preparation of all caseload forecasts. As used in this  
3 chapter, "supervisor" means the caseload forecast supervisor.

4 (3) Approval by an affirmative vote of at least five members of  
5 the council is required for any decisions regarding employment of the  
6 supervisor. Employment of the supervisor shall terminate after each  
7 term of three years. At the end of the first year of each three-year  
8 term the council shall consider extension of the supervisor's term by  
9 one year. The council may fix the compensation of the supervisor. The  
10 supervisor shall employ staff sufficient to accomplish the purposes  
11 of this section.

12 (4) The caseload forecast council shall oversee the preparation  
13 of and approve, by an affirmative vote of at least four members, the  
14 official state caseload forecasts prepared under RCW 43.88C.020. If  
15 the council is unable to approve a forecast before a date required in  
16 RCW 43.88C.020, the supervisor shall submit the forecast without  
17 approval and the forecast shall have the same effect as if approved  
18 by the council.

19 (5) A councilmember who does not cast an affirmative vote for  
20 approval of the official caseload forecast may request, and the  
21 supervisor shall provide, an alternative forecast based on  
22 assumptions specified by the member.

23 (6) Members of the caseload forecast council shall serve without  
24 additional compensation but shall be reimbursed for travel expenses  
25 in accordance with RCW 44.04.120 while attending sessions of the  
26 council or on official business authorized by the council.  
27 Nonlegislative members of the council shall be reimbursed for travel  
28 expenses in accordance with RCW 43.03.050 and 43.03.060.

29 (7) "Caseload," as used in this chapter, means:

30 (a) The number of persons expected to meet entitlement  
31 requirements and require the services of public assistance programs,  
32 state correctional institutions, state correctional noninstitutional  
33 supervision, state institutions for juvenile offenders, (~~the common~~  
34 ~~school system,~~) long-term care, medical assistance, foster care, and  
35 adoption support;

36 (b) The number of students who are eligible for the Washington  
37 college bound scholarship program and are expected to attend an  
38 institution of higher education as defined in RCW 28B.92.030;

1 (c) The number of children who are eligible, as defined in RCW  
2 43.215.405, to participate in, and the number of children actually  
3 served by, the early childhood education and assistance program; and

4 (d) The number of persons expected to meet entitlement  
5 requirements in the common school system, by school district and in  
6 total statewide. In determining district level forecasts, the council  
7 must consider a geographic information system solution and providing  
8 districts the ability to adjust the final forecast.

9 (8) The caseload forecast council shall forecast the temporary  
10 assistance for needy families and the working connections child care  
11 programs as a courtesy.

12 (9) The caseload forecast council shall forecast youth  
13 participating in the extended foster care program pursuant to RCW  
14 74.13.031 separately from other children who are residing in foster  
15 care and who are under eighteen years of age.

16 (10) Unless the context clearly requires otherwise, the  
17 definitions provided in RCW 43.88.020 apply to this chapter.

18 **PART III**

19 **"GROW YOUR OWN" TEACHERS**

20 **Sec. 301.** RCW 28A.660.050 and 2015 3rd sp.s. c 9 s 2 are each  
21 amended to read as follows:

22 Subject to the availability of amounts appropriated for these  
23 purposes, the conditional scholarship programs in this chapter are  
24 created under the following guidelines:

25 (1) The programs shall be administered by the student achievement  
26 council. In administering the programs, the council has the following  
27 powers and duties:

28 (a) To adopt necessary rules and develop guidelines to administer  
29 the programs;

30 (b) To collect and manage repayments from participants who do not  
31 meet their service obligations; and

32 (c) To accept grants and donations from public and private  
33 sources for the programs.

34 (2) Requirements for participation in the conditional scholarship  
35 programs are as provided in this subsection (2).

36 (a) The alternative route conditional scholarship program is  
37 limited to interns of professional educator standards board-approved  
38 alternative routes to teaching programs under RCW 28A.660.040. For



1 fiscal year 2011, priority must be given to fiscal year 2010  
2 participants in the alternative route partnership program. In order  
3 to receive conditional scholarship awards, recipients shall:

4 (i) Be accepted and maintain enrollment in alternative  
5 certification routes through a professional educator standards board-  
6 approved program;

7 (ii) Continue to make satisfactory progress toward completion of  
8 the alternative route certification program and receipt of a  
9 residency teaching certificate; and

10 (iii) Receive no more than the annual amount of the scholarship,  
11 not to exceed eight thousand dollars, for the cost of tuition, fees,  
12 and educational expenses, including books, supplies, and  
13 transportation for the alternative route certification program in  
14 which the recipient is enrolled. The council may adjust the annual  
15 award by the average rate of resident undergraduate tuition and fee  
16 increases at the state universities as defined in RCW 28B.10.016.

17 (b) The pipeline for paraeducators conditional scholarship  
18 program is limited to qualified paraeducators as provided by RCW  
19 28A.660.042. In order to receive conditional scholarship awards,  
20 recipients shall:

21 (i) Be accepted and maintain enrollment at a community and  
22 technical college for no more than two years and attain an associate  
23 of arts degree;

24 (ii) Continue to make satisfactory progress toward completion of  
25 an associate of arts degree. This progress requirement is a condition  
26 for eligibility into a route one program of the alternative routes to  
27 teacher certification program for a mathematics, special education,  
28 or English as a second language endorsement; and

29 (iii) Receive no more than the annual amount of the scholarship,  
30 not to exceed four thousand dollars, for the cost of tuition, fees,  
31 and educational expenses, including books, supplies, and  
32 transportation for the alternative route certification program in  
33 which the recipient is enrolled. The student achievement council may  
34 adjust the annual award by the average rate of tuition and fee  
35 increases at the state community and technical colleges.

36 (c) The educator retooling conditional scholarship program is  
37 limited to current K-12 teachers. In order to receive conditional  
38 scholarship awards:

39 (i) Individuals currently employed as teachers shall pursue an  
40 endorsement in a subject or geographic endorsement shortage area, as

1 defined by the professional educator standards board, including but  
2 not limited to((τ)) mathematics, science, special education,  
3 elementary education, early childhood education, bilingual education,  
4 English language learner, computer science education, or  
5 environmental and sustainability education; or

6 (ii) Individuals who are certificated with an elementary  
7 education endorsement shall pursue an endorsement in a subject or  
8 geographic endorsement shortage area, as defined by the professional  
9 educator standards board, including but not limited to((τ))  
10 mathematics, science, special education, bilingual education, English  
11 language learner, computer science education, or environmental and  
12 sustainability education; and

13 (iii) Individuals shall use one of the pathways to endorsement  
14 processes to receive an endorsement in a subject or geographic  
15 endorsement shortage area, as defined by the professional educator  
16 standards board, including but not limited to((τ)) mathematics,  
17 science, special education, bilingual education, English language  
18 learner, computer science education, or environmental and  
19 sustainability education, which shall include passing an endorsement  
20 test plus observation and completing applicable coursework to attain  
21 the proper endorsement; and

22 (iv) Individuals shall receive no more than the annual amount of  
23 the scholarship, not to exceed three thousand dollars, for the cost  
24 of tuition, test fees, and educational expenses, including books,  
25 supplies, and transportation for the endorsement pathway being  
26 pursued.

27 (3) The Washington professional educator standards board shall  
28 select individuals to receive conditional scholarships. In selecting  
29 recipients, preference shall be given to eligible veterans or  
30 national guard members. In awarding conditional scholarships to  
31 support additional bilingual education or English language learner  
32 endorsements, the board shall also give preference to teachers  
33 assigned to schools required under state or federal accountability  
34 measures to implement a plan for improvement, and to teachers  
35 assigned to schools whose enrollment of English language learner  
36 students has increased an average of more than five percent per year  
37 over the previous three years.

38 (4) For the purpose of this chapter, a conditional scholarship is  
39 a loan that is forgiven in whole or in part in exchange for service  
40 as a certificated teacher employed in a Washington state K-12 public

1 school. The state shall forgive one year of loan obligation for every  
2 two years a recipient teaches in a public school. Recipients who fail  
3 to continue a course of study leading to residency teacher  
4 certification or cease to teach in a public school in the state of  
5 Washington in their endorsement area are required to repay the  
6 remaining loan principal with interest.

7 (5) Recipients who fail to fulfill the required teaching  
8 obligation are required to repay the remaining loan principal with  
9 interest and any other applicable fees. The student achievement  
10 council shall adopt rules to define the terms for repayment,  
11 including applicable interest rates, fees, and deferments.

12 (6) The student achievement council may deposit all  
13 appropriations, collections, and any other funds received for the  
14 program in this chapter in the future teachers conditional  
15 scholarship account authorized in RCW 28B.102.080.

#### 16 PART IV

#### 17 TEACHER RECRUITMENT

18 **Sec. 401.** RCW 28A.410.250 and 2005 c 498 s 2 are each amended to  
19 read as follows:

20 The agency responsible for educator certification shall adopt  
21 rules for professional certification that:

22 (1) Provide maximum program choice for applicants, promote  
23 portability among programs, and promote maximum efficiency for  
24 applicants in attaining professional certification;

25 (2) Require professional certification no earlier than the fifth  
26 year following the year that the teacher first completes provisional  
27 status, with an automatic two-year extension upon enrollment;

28 (3) Grant professional certification to any teacher who attains  
29 certification from the national board for professional teaching  
30 standards;

31 (4) Permit any teacher currently enrolled in or participating in  
32 a program leading to professional certification to continue the  
33 program under administrative rules in place when the teacher began  
34 the program;

35 (5) Provide criteria for the approval of educational service  
36 districts, beginning no later than August 31, 2007, to offer programs  
37 leading to professional certification. The rules shall be written to  
38 encourage institutions of higher education and educational service

1 districts to partner with local school districts or consortia of  
2 school districts, as appropriate, to provide instruction for teachers  
3 seeking professional certification;

4 (6) Encourage institutions of higher education to offer  
5 professional certificate coursework as continuing education credit  
6 hours. This shall not prevent an institution of higher education from  
7 providing the option of including the professional certification  
8 requirements as part of a master's degree program;

9 (7) Provide criteria for a liaison relationship between approved  
10 programs and school districts in which applicants are employed;

11 (8) Identify an expedited professional certification process for  
12 out-of-state teachers who have five years or more of successful  
13 teaching experience (~~to demonstrate skills and impact on student~~  
14 ~~learning commensurate with Washington requirements for professional~~  
15 ~~certification. The rules may require these teachers, within one year~~  
16 ~~of the time they begin to teach in the state's public schools, take a~~  
17 ~~course in or show evidence that they can teach to the state's~~  
18 ~~essential academic learning requirements)). A professional  
19 certificate must be issued to these experienced out-of-state teachers  
20 if:~~

21 (a) The teacher holds a valid teaching certificate issued by the  
22 national board for professional teaching standards; or

23 (b) The teacher has a second-level teacher certificate from  
24 another state; and

25 (9) Identify an evaluation process of approved programs that  
26 includes a review of the program coursework and applicant coursework  
27 load requirements, linkages of programs to individual teacher  
28 professional growth plans, linkages to school district and school  
29 improvement plans, and, to the extent possible, linkages to school  
30 district professional enrichment and growth programs for teachers,  
31 where such programs are in place in school districts. The agency  
32 shall provide a preliminary report on the evaluation process to the  
33 senate and house of representatives committees on education policy by  
34 November 1, 2005. The board shall identify:

35 (a) A process for awarding conditional approval of a program that  
36 shall include annual evaluations of the program until the program is  
37 awarded full approval;

38 (b) A less intensive evaluation cycle every three years once a  
39 program receives full approval unless the responsible agency has  
40 reason to intensify the evaluation;

1 (c) A method for investigating programs that have received  
2 numerous complaints from students enrolled in the program and from  
3 those recently completing the program;

4 (d) A method for investigating programs at the reasonable  
5 discretion of the agency; and

6 (e) A method for using, in the evaluation, both program completer  
7 satisfaction responses and data on the impact of educators who have  
8 obtained professional certification on student work and achievement.

9 NEW SECTION. **Sec. 402.** (1) The office of the superintendent of  
10 public instruction, in consultation with school districts,  
11 educational service districts, and other state agencies, shall  
12 develop and implement a comprehensive, statewide initiative to  
13 increase the number of qualified individuals who apply for teaching  
14 positions in Washington. In developing and implementing the  
15 initiative, the office of the superintendent of public instruction,  
16 in partnership with the employment security department, shall:

17 (a) Develop and implement a teacher recruitment campaign that  
18 targets individuals with teaching certificates who are not employed  
19 as teachers, undergraduate college students who have not chosen a  
20 major, out-of-state teachers, military personnel and their spouses,  
21 and other groups of individuals who may be interested in teaching in  
22 Washington public schools;

23 (b) Incorporate certificated positions into the employment  
24 security department's existing web-based depository for job  
25 applications that allows for access by school districts in the state  
26 for purposes of hiring teachers and other certificated positions; and

27 (c) Create or enhance an existing web site that provides useful  
28 information to individuals who are interested in teaching in  
29 Washington.

30 (2) This section expires July 1, 2018.

31 **PART V**

32 **MISCELLANEOUS PROVISIONS**

33 NEW SECTION. **Sec. 501.** The sum of one million dollars, or as  
34 much thereof as may be necessary, is appropriated for the fiscal year  
35 ending June 30, 2017, from the general fund to the professional

1 educator standards board in support of the alternative route and  
2 educator retooling programs under chapter 28A.660 RCW.

--- END ---